



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.D

Meeting Date: June 18, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Mike Viglione, Associate Planner

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Item Title: Conditional Use Permit CUP-170-0001 Time Extension

Recommended Action: Adopt a resolution entitled, “A Resolution of the City Council of the City of Lemon Grove, California, Approving a Time Extension of Approved Conditional Use Permit CUP-170-0001 located at 6470 Federal Boulevard,” extending the expiration date of Conditional Use Permit CUP-170-0001 from June 19, 2019 to June 19, 2020.

Summary:

On June 19, 2018, the City Council adopted Resolution No. 2018-3591 (resolution) thereby approving Conditional Use Permit (CUP) application CUP-170-0001 authorizing the establishment of a Medical Marijuana Dispensary (MMD) at 6470 Federal Boulevard. Per Section 2, Condition E, of the resolution, CUP-170-0001 “...expires on June 19, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of the CUP have been met prior to said expiration date.” Tenant Improvement Building Permit B18-000-0575 was issued on May 28, 2019, but the applicant cannot complete construction or satisfy all resolution conditions required to commence operations before the June 19, 2019 expiration date. A one-year time extension will allow the applicant to complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

Discussion:

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City’s prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which a MMD may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (LGMC), which identifies a CUP as the required permit process.

Pursuant to LGMC Chapter 17.32, City Council held a duly noticed public hearing on June 19, 2018, for Conditional Use Permit application CUP-170-0001 for a MMD at 6470 Federal Boulevard and ultimately adopted Resolution 2019-3591 conditionally approving the application. CUP-170-0001 authorizes the establishment of a MMD at the aforementioned address, which is an approximately one acre parcel in the Light Industrial zone, but does not include permissions for cannabis cultivation, manufacturing, processing, delivery services or any other accessory cannabis use. The approved CUP incorporates tenant improvements for the conversion of existing office and warehouse space into a MMD facility and exterior site improvements like screening, landscaping and Stormwater improvements, and parking area improvements. In-lieu of the immediate street improvements required pursuant to LGMC Chapter 12.10 and Section 17.24.010(H), the approval resolution includes a requirement to pay a \$636,000 in-lieu fair-share contribution toward drainage improvements, street improvements, utility undergrounding and weed abatement along Federal Blvd. and Chollas Creek.

An environmental assessment was also prepared for CUP-170-0001 as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA guidelines, Section 15000 et seq. of the California Code of Regulations, and certified with the resolution. Initial Environmental Study and Mitigated Negative Declaration of Environmental Impact ND18-02 identified mitigation measures to reduce potential impacts to Air Quality, Biological Resources, Greenhouse Gas Emissions, Noise, Public Services, Transportation and Traffic, and Mandatory Findings of Significance, below the threshold of significance. These mitigation measures are incorporated into the approved project design and resolution as conditions to ensure that potential project impacts are addressed.

Among the conditions set forth in the resolution are two separate provisions which limit the term of CUP-170-0001. Section 2, Condition E, of the resolution states that the CUP expires on June 19, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date), unless all requirements of the CUP are satisfied prior to the expiration date. Separately, Section 2, Condition C (22) establishes a requirement to renew the Conditional Use Permit every three years and reserves for City Council the right to review the renewal.

The applicant obtained Building Permit B18-000-0575 for the Tenant Improvement on May 28, 2019, and continues to demonstrate progress toward perfection of the CUP but is unable to satisfy all resolution requirements by June 19, 2019. The project has not been modified since the original City Council approval, nor have the existing conditions or circumstances which informed City Council approval changed.

As such, staff recommends the City Council grant a one-year extension to the June 19, 2019 expiration date in Section 2, Condition E, pursuant to the authority to authorize a

longer term reserved to the City Council in the precedent condition. No modifications to the periodic renewal requirement in Section 2, Condition C (22) of the resolution are warranted or recommended.

Environmental Review:

☐ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption

☒ Mitigated Negative Declaration ND-18-02

Fiscal Impact: None.

Public Notification: None.

Staff Recommendation: Adopt a resolution extending the expiration date of Conditional Use Permit CUP-170-0001 from June 19, 2019 to June 19, 2020.

Attachments:

Attachment A – Resolution Approving a One-Year Time Extension for CUP-170-0001

RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING A TIME EXTENSION OF APPROVED
CONDITIONAL USE PERMIT CUP-170-0001 LOCATED AT 6470 FEDERAL
BOULEVARD**

WHEREAS, on June 19, 2018, the City Council approved Conditional Use Permit CUP-170-0001 authorizing the establishment of a Medical Marijuana Dispensary on a .96 acre lot in the Light Industrial zone at 6470 Federal Boulevard pursuant to Chapter 17.32 of the Lemon Grove Municipal Code; and

WHEREAS, City Council certified a Mitigated Negative Declaration of Environmental Impact (ND18-02) that found the project, as mitigated, would have no significant effect on the environment with the original approval; and

WHEREAS, Building Permit B18-000-0575 for the required interior Tenant Improvement and exterior site improvements was issued on May 28, 2019; and

WHEREAS, the applicant is progressing toward satisfaction of all applicable requirements of Conditional Use Permit CUP-170-0001 as outlined in City Council approval Resolution No. 2018-3591; and

WHEREAS, the project has not been modified since the original City Council approval; and

WHEREAS, the existing conditions and/or circumstances which informed City Council approval have not changed; and

WHEREAS, Resolution No. 2018-3591 requires the satisfaction of all requirements enumerated therein by June 19, 2019, or such longer period as may be approved by the City Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Approves a one-year extension of the expiration date stated in Resolution No. 2018-3591, Section 2, Condition E to June 19, 2020, subject to all other remaining requirements and conditions enumerated in Resolution No. 2018-3591.

PASSED AND ADOPTED on _____, 2019, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney